

HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

SYLVESTER MAHONE,

Plaintiff,

v.

JOSEPH LEHMAN, et al.,

Defendants.

Case No. CV 98-5412(FDB)RBL

ORDER ON MOTIONS IN LIMINE

This matter is before the Court on the Plaintiff's Motions in Limine [Dkt. # 428], and the Defendants' Motions in Limine [Dkt. # 456]. For the reasons articulated by the Court at the Pretrial Conference, the Court rules on the various Motions as follows:

Plaintiff's Motions

1. Plaintiff's Motion to Exclude references to his underlying criminal conviction is DENIED.
2. Plaintiff's Motion to Exclude references to the underlying criminal convictions of his inmate witnesses is DENIED.
3. Plaintiff's Motion to Exclude references to infractions prior to February 2, 1998 is DENIED.
4. Plaintiff's Motion to Exclude any reference to any psychiatric or psychological records is DENIED.
- 5 & 6. Plaintiff's Motion to Exclude references to settlement discussions is GRANTED.

7. Plaintiff's Motion to Exclude "excuses" by Defendants and their experts based on inadequate resources is DENIED.
8. Plaintiff's Motion to Exclude references to the impact of a Plaintiff's verdict on the taxpayers of the State is GRANTED.
9. Plaintiff's Motion to Exclude testimony or argument regarding the Defendants' financial condition is GRANTED.
10. Plaintiff's Motion to Exclude witnesses not specifically identified prior to the Pretrial Order is GRANTED.
11. Plaintiff's Motion to Exclude references to any discovery disputes is GRANTED.
12. Plaintiff's Motion to Exclude defenses not previously identified is GRANTED.
13. Plaintiff's Motion to Exclude documents not produced in discovery is GRANTED.
14. Plaintiff's Motion to Exclude references to taxes which may be payable on any recovery by the Plaintiff is GRANTED.
15. Plaintiff's Motion to Exclude references to infractions after February 2, 1998 is DENIED.
16. Plaintiff's Motion to Exclude references to the filing of this Motion is GRANTED.
17. Plaintiff's Motion to not use the "stun belt" is DENIED.

Defendants' Motions.

1. Defendants' Motion to Exclude references to the amount of force used to extract Mr. Mahone is GRANTED.
2. Defendants' Motion to Exclude references of claims brought on behalf of other inmates is GRANTED.
3. Defendants' Motion to Exclude Mr. Rosazza's testimony about the application of due process standards is DENIED.
4. Defendants' Motion to Exclude references to sustained objections to prior testimony is GRANTED.
5. Defendants' Motion to Exclude references to previously dismissed defendants is GRANTED.
6. Defendants' Motion to Exclude references to the privileged document inadvertently

produced by Nurse Hutchinson is GRANTED.

7. Defendants' Motion to require Plaintiff to adhere to the Civil and Evidentiary Rules, particularly when testifying, is GRANTED.

8. Defendants' Motion to Exclude testimony or arguemnt that Mr. Mahone's sentence is improper is GRANTED.

9. Defendants' Motion to Exclude references to settlement discussions is GRANTED.

10. Defendants' Motion to Exclude references to financial conditions is GRANTED.

11. Defendants' Motion to preclude Plaintiff from asking the jurors to place themselves in his position is GRANTED.

12. Defendants' Motion to Exclude opinions of lay witnesses as to motivation is DENIED WITHOUT PREJUDICE.

13. Defendants' Motion to Preclude Plaintiff from arguing defendants have not called any witness equally available to both parties is DENIED WITHOUT PREJUDICE.

14. Defendants' Motion to Exclude references to the legal resources available to the parties is DENIED WITHOUT PREJUDICE.

15. Defendants' Motion to Exclude evidence not produced in discovery is GRANTED.

Dated this 20th day of June, 2004


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE